

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1322 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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ADIVASI TALUKA VIKAS YUVAK MANDAL

Versus

DIST. EDUCATION OFFICER

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Appearance:

MR MUKESH R SHAH for Petitioner

Ms Harsha Devani, AGP, for Respondent No. 1

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 28/08/97

ORAL JUDGEMENT

Rule. Ms Harsha Devani, learned AGP, waives service of rule.

2. By way of this Special Civil Application, the petitioner has challenged the order dated 7.2.96 passed by the District Education Officer whereby there has been deduction of 2 per cent from salary grant and 25 per cent

from the maintenance grant. The grievance of the petitioner is that the petitioner was not heard before passing the impugned order. It is also submitted by Mr Shah, learned counsel for the petitioner, that the said order proceeds on the basis of an earlier order dated 10.11.95 which has been set aside by the Gujarat Secondary Education Tribunal. It is not in dispute that no hearing was given to the petitioner before passing the impugned order.

3. In view of the aforesaid, this Special Civil Application is allowed and the impugned order dated 7.2.96 is quashed and set aside. It will be open for the respondent to pass a fresh order after giving an opportunity of hearing to the petitioner. Rule is made absolute to the aforesaid extent.

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(vjn)